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Chapter No. 20  
10/HR03/A936SG  
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## ***HOUSE BILL NO. 1641***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1641

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT FOR THE FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is hereby authorized and approved for expenditure out of any funds which are received by or otherwise become available to the Mississippi State Port Authority at Gulfport, for the purpose of defraying the expenses of the authority for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .....  
..... \$ 111,667,885.00.

**SECTION 2.** Of the funds appropriated under the provisions of Section 1, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure:

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .. \$	3,113,400.00
Travel and Subsistence .....	100,000.00
Contractual Services .....	12,421,200.00
Commodities .....	343,000.00

Capital Outlay:

Other Than Equipment .....	92,000,000.00
Equipment .....	395,000.00
Vehicles .....	52,000.00
Wireless Communication Devices .....	3,700.00
Subsidies, Loans and Grants .....	<u>3,239,585.00</u>

Total ..... \$ 111,667,885.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	48
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

**SECTION 3.** It is the intention of the Legislature that the Mississippi State Port Authority at Gulfport shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

**SECTION 4.** In the event of a natural disaster or other major catastrophe whereby the expenditure of funds above the limits contained herein are deemed necessary to rapidly repair or restore port facilities, the Port Authority and the Mississippi Development Authority, with the approval of the Department of Finance and Administration, may escalate expenditures under Section 1 and the major objects contained in Section 2. However, no escalation shall be authorized until source and availability of such funds is shown.

**SECTION 5.** It is the intention of the Legislature that the Mississippi State Port Authority at Gulfport is hereby authorized to escalate and expend funds from any source in accordance with applicable rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

**SECTION 6.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 7.** It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

**SECTION 8.** It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.



(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

**SECTION 9.** It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

**SECTION 10.** Of the funds appropriated herein, One Hundred Thirty-five Thousand Dollars (\$135,000.00) is provided for salary increase for the purpose of funding overtime, callback or standby pay.

**SECTION 11.** No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

**SECTION 12.** The money appropriated under the provisions of Section 1 shall be disbursed upon bank checks signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 13.** This act shall take effect and be in force from and after July 1, 2010.

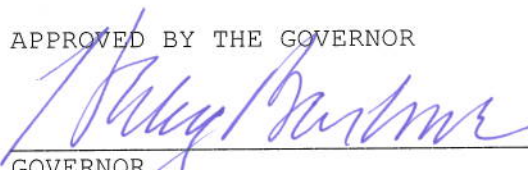
PASSED BY THE HOUSE OF REPRESENTATIVES  
April 20, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 20, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR  
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